

CHUKWUMA E. AZUBUKO,

Plaintiff,

V.

ROXBURY COMMUNITY COLLEGE,

Defendant.

[illegible]

OPINION and ORDER

Civ. No. 04-2229 (WHW)

Walls, Senior District Judge

Chukwuma E. Azubuko filed a complaint on May 10, 2004, alleging that defendant Roxbury Community College discriminated against him in violation of Title VII of the Civil Rights Act of 1964. (ECF No. 1.) Because his complaint did not state a claim upon which relief could be granted, this Court dismissed the complaint without prejudice. (ECF No. 2.) Two years later, and despite the fact that a trial never occurred, Azubuko moved for a new trial. (ECF No. 8.) The Court denied this motion. (ECF No. 9.) Nearly five years after this last ruling, and approximately seven years after the complaint was filed, Azubuko moved to vacate this Court's dismissal and reopen his case. Because Azubuko did not present any valid reasons to vacate any of the Court's earlier decisions, that motion was denied. (ECF No. 14.) Azubuko then filed a motion for reconsideration, which was also denied. (ECF No. 17.)

Undeterred, on April 26, 2011, Azubuko filed a motion for a three-judge court. “A district court of three judges shall be convened when otherwise required by Act of Congress, or

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when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.” 28 U.S.C. § 2284. Azubuko does not challenge the apportionment of any districts and does not specify which, if any, Acts of Congress he believes entitles him to a three-judge court. Because Azubuko has not demonstrated that any Act of Congress requires convening a three-judge court in cases such as this, his motion for a three-judge court is denied. See Hamilton v. Mengel, 629 F. Supp. 1110, 1112 (D. Utah 1986).

It is, on this 31st day of May,

ORDERED that plaintiff’s Motion for a Three-Judge Court is DENIED.

s/ William H. Walls

United States Senior District Judge